

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	
LITIGATION	)	MDL No. 1456
_____	)	
	)	Master Case No. 01-12257-PBS
THIS DOCUMENT RELATES TO:	)	Subcategory Case No. 06-11337-PBS
	)	
<i>United States of America ex rel. Ven-a-</i>	)	
<i>Care of the Florida Keys, Inc. v. Dey,</i>	)	
<i>Inc., et al.,</i> Civil Action No. 05-11084-PBS	)	

**UNITED STATES' MOTION IN LIMINE REGARDING TESTIMONY OF  
RAYMOND C. WINTER AND SEQUENCING OF DEPOSITION TESTIMONY**

The United States respectfully moves for an *in limine* ruling on the admissibility of testimony by Raymond C. Winter that the government expects to offer at trial against Dey, and also on the sequencing of videotaped deposition testimony of Dey's former Vice President of Sales and Marketing, Robert Mozak, and former President and CEO, Charles Rice. Specifically, the United States proposes to call Mr. Winter, an Assistant Attorney General with the Texas Attorney General's Office who represented the state in its AWP suit against Dey, to testify regarding, among other things, the timing of Dey's various document productions in that case, in relation to certain deposition testimony given by Dey officials before and after Dey's production of some incriminating documents. The United States also requests that it be allowed to sequence the presentation of videotaped deposition testimony of Mr. Mozak and Mr. Rice so that the designated portions of their 2001 and 2002 depositions are presented before Mr. Winter testifies, and the designated portions of the 2003 depositions are played after he testifies.

The specifics of Mr. Winter's proposed testimony and the grounds for this motion are set forth in the accompanying memorandum of law.

Respectfully submitted,

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#### CERTIFICATION

Pursuant to LR 7.1(A)(2), the undersigned certifies that counsel have conferred in an effort to resolve or narrow the issues presented by this motion.

/s/ George B. Henderson, II  
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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above document to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: June 29, 2010

/s/ George B. Henderson, II  
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